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From-MARTIN FERRAROLLP

3308772030

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#21/2042

Patent
Attorney Docket No. 101.0077-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:)
Gary K. Michelson, M.D.)
Serial No.: 09/553,573) Confirmation No. 3776
Filed: April 19, 2000)
For: ARTIFICIAL HEMI-LUMBAR) Group Art Unit: 3738
INTERBODY SPINAL IMPLANT) Examiner: B. Snow
HAVING AN ASYMMETRICAL)
LEADING END AND METHOD)
FOR INSTALLATION THEREOF)

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION REGARDING INTERVIEW SUMMARY

Applicant's representatives interviewed the Examiner over the telephone on November 5, 2003. During the Interview, Applicant's representatives directed the Examiner's attention to the portion of the remarks contained in Applicant's Amendment of July 24, 2003 (the "July Amendment") indicating support for new Figs. 5A, 5B, and 5C.

The Examiner then objected to the rounded corners shown in new Figs. 5A, 5B, and 5C as not relating to the subject matter of claims 7, 36, and 37. Applicant assumes that the reference to claim 6 in the "Interview Summary" mailed November 7, 2003 is a typographical error as it was the subject matter of claim 7 that was discussed, not claim 6.

Applicant's representatives and the Examiner also discussed the Examiner's objection to the drawing changes not being shown in red. Applicant's representatives

Communication 11-20-03

PAGE 2/3 * RCVD AT 11/20/2003 2:53:49 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-1/3 * DNIS:8729302 * CSID:3308772030 * DURATION (mm:ss):00:52

Application No. 09/553,573
Communication dated November 20, 2003
Reply to Interview Summary of November 7, 2003

referred the Examiner to 37 C.F.R. § 1.121(d), which does not require Applicant to submit proposed drawing corrections in red except when formally requested by the Examiner. (See, 37 C.F.R. § 1.121(d)(2)). Applicant's representatives explained to the Examiner that the reference number "220" was being added to Fig. 10 and that this change was previously explained on page 16 of the July Amendment. Applicant's representatives agreed to submit new drawings for Figs. 5A, 5B, and 5C eliminating the rounded corners shown in the figures.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: November 20, 2003

By: Thomas H. Martin
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TO:

Name: Examiner B. Snow

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9302

Subject: U.S. Patent Application No. 09/553,573

Gary K. Michelson, M.D.

Filed: April 19, 2000

ARTIFICIAL HEMI-LUMBAR INTERBODY
SPINAL IMPLANT HAVING AN
ASYMMETRICAL LEADING END AND
METHOD FOR INSTALLATION THEREOF

Attorney Docket No. 101.0077-00000

Customer No. 22882

Confirmation No. 3776

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

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Sandra L. Blackmon

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